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8 CATHERINE TREMBLAY,
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10 Plaintiff, No. C-07-06009 EDL
11 v. ORDER SETTING BRIEFING
12 MOTION TO CONDITIONALLY
13 CERTIFY THE COLLECTIVE ACTION
14 Defendant.
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16 The Court has reviewed the parties' briefs filed on February 28, 2008 and March 6, 2008
17 regarding a briefing schedule for Plaintiff's Motion to Conditionally Certify the Collective Action.
18 The burden, which is not heavy, is on Plaintiff to make a threshold showing to certify a collective
19 action under 29 U.S.C. § 216(b), (see Castle v. Wells Fargo Fin., Inc., 2008 WL 495705 (N.D. Cal.
20 Feb. 20, 2008)), and Plaintiff does not seek additional time to brief this motion. Plaintiff further
21 argues that potential class members will be prejudiced by the continued running of the statute of
22 limitations. Defendant argues that it needs time to conduct discovery to respond to Plaintiff's
23 evidence in favor of conditional certification. However, Defendant does not bear the burden, and in
24 any event has considerable access to evidence involving its own employees.
25 The Court is not persuaded that extra time is warranted to brief the motion to certify. See
26 Castle, 2008 WL 495705, *2, n. 3 ('To resolve the instant motion, the Court need not resolve these
27 factual disputes, and indeed it would be inappropriate.') (citing In re Coordinated Pretrial
Proceedings in Petroleum Prods. Antitrust Litig., 691 F.2d 1335, 1342 (9th Cir. 1982) ("Although in
28 determining whether to certify the class [under Rule 23(b)(3)], the district court is bound to take the

1 substantive allegations of the complaint as true, [citations omitted], the court is also required to
2 consider the nature and range of proof necessary to establish those allegations.”)). Accordingly,
3 Plaintiff’s Motion to Conditionally Certify the Collective Action shall be briefed on a regular
4 schedule under Civil Local Rule 7-2.

5 IT IS SO ORDERED.

6 Dated: March 12, 2008

Elizabeth D. Laporte
7 ELIZABETH D. LAPORTE
8 United States Magistrate Judge